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THE SCOTTS MIRACLE-GRO COMPANY  
AND THE SCOTTS COMPANY LLC

[Additional counsel appear on signature page]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re MORNING SONG BIRD  
FOOD LITIGATION

Lead Case No. 3:12-cv-01592-JAH-AGS

CLASS ACTION

**JOINT NOTICE OF SETTLEMENT**

This Document Relates To:

ALL ACTIONS.

1           **PLEASE TAKE NOTICE** that Plaintiffs Laura Cyphert, Milt Cyphert, Ellen  
2 Larson and David Kirby, and Defendants The Scotts Miracle-Gro Company, The  
3 Scotts Company LLC, and James Hagedorn have reached an agreement in principle  
4 on all material terms required to settle all claims in the above captioned matter, and  
5 are in the process of finalizing and executing the agreed-upon written settlement  
6 agreement. Pursuant to the Court's Order dated August 16, 2018 (Dkt. 503), the  
7 Parties shall file a motion for preliminary approval of the class settlement by  
8 November 16, 2018.

9 Dated: August 20, 2018

Respectfully submitted,

JONES DAY

*/s/ Edward Patrick Swan, Jr.*

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Edward Patrick Swan, Jr.

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Counsel for Defendants THE SCOTTS  
MIRACLE-GRO COMPANY AND  
THE SCOTTS COMPANY LLC

17  
18 Dated: August 20, 2018

KIRKLAND & ELLIS LLP

*/s/ Mark R. Filip*

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1 Dated: August 20, 2018

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CLASS COUNSEL

**SIGNATURE ATTESTATION**

I hereby attest that the content of this document is acceptable to all persons whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

Dated: August 20, 2018

Jones Day

By: /s/ Edward Patrick Swan, Jr.

Edward Patrick Swan, Jr.

Attorneys for Defendants THE  
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